



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,370	11/25/2003	Kevin P. Cowan	CT/03-015	8594
21140	7590	01/10/2008		
GREGORY L BRADLEY MEDRAD INC ONE MEDRAD DRIVE INDIANOLA, PA 15051			EXAMINER WITCZAK, CATHERINE	
			ART UNIT	PAPER NUMBER
			3767	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2007 has been entered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Trull (US 5,947,929).

Claims 1 and 13: Trull discloses in Figures 2 and 4 an injector comprising a housing (60) and a drive member (40) comprising a retaining member and outwardly extending flange member; a syringe (10) comprising a body and a plunger (24) comprising a wall/base member (80) having an outer surface (82) and inner surface (80) defining a retaining shoulder (86) and inwardly projecting flanges/connection members (30) which are fixedly disposed in a longitudinal direction on the retaining shoulder and spaced along the inner surface (80) of the cylindrical wall; wherein at least one retaining member on the drive member is adapted to engage with the retaining shoulder to enable the drive member to retract the plunger; and wherein the inwardly projecting flanges are adapted to engage the engaging flange members

W

on the drive when the syringe is rotated about its longitudinal axis operable to cause the retaining member to disengage the retaining shoulder (column 6, lines 46-56).

Claims 12 and 16: Trull discloses in Figure 4 the plurality of flanges spaced evenly, radially, and longitudinally along the wall.

Claim 11: Trull discloses in Figure 11 the interior surface of the wall defining a retaining shoulder formed on an axial plane and the plurality of inwardly projecting flanges radially spaced along the interior surface of the wall and extending in a longitudinal direction proximal to the retaining shoulder.

#### *Response to Arguments*

Applicant's arguments filed 10/29/2007 have been fully considered but they are not persuasive. Examiner considers part 80 of the plunger (24) to be the inner wall, which as seen in Figure 6, has what can clearly be considered a retaining shoulder, 86. It is from this shoulder and the inner wall from which the inwardly projecting flanges (96 in figure 6) project. As Applicant themselves point out "essentially, Trull discloses flexible resilient engagement members (30) that extend from the circumferential surface portion 88." Since portion 88 is a component of 80 (the inner wall), it is clear that Trull disclose the flanges being supported by the inner surface of the cylindrical wall.

#### *Conclusion*

All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in

W

Application/Control Number:  
10/722,370  
Art Unit: 3767

Page 4

this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witzak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*W* 11/3/06

KEVIN C. SIMONS  
SUPERVISORY PATENT EXAMINER

*Kevin C. Simons*

*W*